

**ASSEMBLY BILL**

**No. 866**

**Introduced by Assembly Member Yee**

(Principal coauthors: Senators Kehoe, Kuehl, and Migden)

**(Coauthors: Assembly Members Goldberg, Laird, and Leno)**

February 18, 2005

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An act to amend Section 20440 of the Elections Code, relating to the Code of Fair Campaign Practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 866, as introduced, Yee. Code of Fair Campaign Practices.

The Elections Code requires that, at the time an individual is issued his or her declaration of candidacy, nomination papers, or other paper evidencing an intention to be a candidate for public office, the elections official provide the individual with a form that the individual may voluntarily sign, titled the "Code of Fair Campaign Practices." Among other things, the Code of Fair Political Practices sets forth specified conduct in which the individual pledges not to engage in his or her election campaign.

This bill would add to the pledge contained in the Code of Fair Political Practices that the individual will not use or permit any appeal to negative prejudice based on sexual orientation or gender identity.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 20440 of the Elections Code is amended  
2     to read:

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the code shall read, as follows:

“CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, *sexual orientation*, *gender identity*, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice—~~which~~ *that* tends to corrupt or undermine our American system of free elections, or—~~which~~ *that* hampers or prevents the full and free expression of the will of the voters

1 including acts intended to hinder or prevent any eligible person  
2 from registering to vote, enrolling to vote, or voting.

3 (5) I SHALL NOT coerce election help or campaign  
4 contributions for myself or for any other candidate from my  
5 employees.

6 (6) I SHALL IMMEDIATELY AND PUBLICLY  
7 REPUDIATE support deriving from any individual or group  
8 ~~which~~ *that* resorts, on behalf of my candidacy or in opposition to  
9 that of my opponent, to the methods and tactics~~which~~ *that* I  
10 condemn. I shall accept responsibility to take firm action against  
11 any subordinate who violates any provision of this code or the  
12 laws governing elections.

13 (7) I SHALL DEFEND AND UPHOLD the right of every  
14 qualified American voter to full and equal participation in the  
15 electoral process.

16 I, the undersigned, candidate for election to public office in the  
17 State of California or treasurer or chairperson of a committee  
18 making any independent expenditures, hereby voluntarily  
19 endorse, subscribe to, and solemnly pledge myself to conduct my  
20 campaign in accordance with the above principles and practices.”

21  
22 \_\_\_\_\_  
23 Date

24 \_\_\_\_\_  
Signature

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